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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,211	03/10/2004	Philip J. Schaaf	GRILL.001A	4169
20995 7590 04/23/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER GUIDOTTI, LAURA COLE	
			ART UNIT 1744	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		04/23/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/23/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/797,211

Applicant(s)

SCHAAF, PHILIP J.

Examiner

Laura C. Guidotti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-36 is/are pending in the application.
- 4a) Of the above claim(s) 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11012004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 24 is objected to because of the following informalities:

In Claim 24, is “,” meant to be “.” ? Applicant is reminded that the claim must be one sentence in length.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 21-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 21 Line 6, is the word “first” meant to be “second”? Otherwise, it is unclear to the examiner how the second ridges on the second face run the length of the first cleaning face.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 21, 24, 26-29, and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galvan Garza, US 5,836,034 in view of McDonough, US 2001/0029967.

Galvan Garza discloses the claimed invention including at least a first cleaning face (bottom side 4 of sponge as shown in Figures 1-2), wherein the first cleaning face comprises a first plurality of ridges (5) that run the length of the first cleaning face (as shown in Figures 3 and 5), at least a second cleaning face (left side 4 of sponge as shown in Figures 1-2), wherein the second cleaning face comprises a second plurality of parallel ridges that run the length of the second cleaning face (as shown in Figures 3 and 5), at least a third cleaning face (upper side 4 of sponge as shown in Figures 1-2), wherein the third cleaning face comprises a third plurality of ridges (5) that run the length of the third cleaning face (as shown in Figures 3 and 5), and at least a fourth cleaning face (right side 4 of sponge as shown in Figures 1-2), wherein the fourth cleaning face comprises a fourth plurality of parallel ridges (5) that run the length of the fourth cleaning face (as shown in Figures 3 and 5), wherein first, second, third, and fourth pluralities of parallel ridges form a plurality of continuous ridges that transverse a perimeter of the cleaning device (as shown in Figures 3 and 5). Regarding claim 24, the cleaning device comprises at least one absorbent material (in that it is a sponge, title). Regarding claim 26, the cleaning device comprises at least one material that is non-abrasive (2). Regarding claim 27, the cleaning device comprises a non-abrasive material (2) and an absorbent material (as it is a sponge, title). Galvan Garza discloses that there are two faces (2a, 3a) of two materials having differing abrasiveness (Column

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1 Lines 49-56), however does not disclose specific materials which make up these faces.

McDonough teaches a cook top surface cleaning device that comprises at least two materials including foam (paragraph 22), rubber (polyurethane, paragraph 27), a synthetic material (paragraphs 27-30), polyester (paragraph 19), synthetic sponge (paragraphs 27-30, 19), and plastic (paragraph 19). In particular there are two layers (A, B) that have different surface characteristics to provide different coarsenesses (paragraph 23), wherein the cleaning device comprises a first non-abrasive material and a second non-abrasive material (paragraph 23), the first non-abrasive material (B) is relatively less abrasive than the second non-abrasive material (A, paragraph 23) so that a user can scrub a glass-ceramic surface without scratching or marring that surface.

It would have been obvious for one of ordinary skill in the art to modify the two faces Galvan Garza to be comprised of at least two materials including foam, rubber, synthetic materials, synthetic sponge, and plastic as McDonough teaches, in order to clean a ceramic or glass surface without scratching or marring it.

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Galvan Garza, US 5,836,034 and McDonough, US 2001/0029967 as applied to claim 21, in view of Beller, US 4,690,125.

Galvan Garza and McDonough disclose all elements mentioned above, and Galvan Garza displays that the ridges and separations are about equally separated (see Figures 1-2), however neither Galvan Garza nor McDonough teach specific dimensions.

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Beller teaches that a grill grate (35) diameter (or width) is 3/8" (Column 5 Lines 41-45).

It would have been obvious for one of ordinary skill in the art to modify the ridge width and separation of the dish and cooking surface cleaner of Galvan Garza and McDonough to be 3/8", as Beller teaches that this is a known grill grate dimension, and therefore would be a useful dimension for the ridges and separations in order to clean between and around cooking grates.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Galvan Garza, US 5,836,034 and McDonough, US 2001/0029967 as applied to claim 21, in view of Stoker, US 3,146,479.

Galvan Garza and McDonough disclose all elements mentioned above, however do not disclose that the ridges are a specific length.

Stoker teaches a surface cleaning device that has a cleaning surface of four inches (Column 2 Lines 10-14).

It would have been obvious for one of ordinary skill in the art to modify the ridges of Galvan Garza and McDonough to be four inches in length, as Stoker teaches in order to provide an optimal and conveniently sized cleaning face.

6. Claims 25 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galvan Garza, US 5,836,034 and McDonough, US 2001/0029967 as applied to claim 21, in view of Aldredge, US 6,916,382.

Galvan Garza and McDonough disclose all elements mentioned above, however do not specifically disclose a material that is resistant to heat.

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Aldredge teach a pad of wiping a grill surface that is treated with a heat retardant so that it is self-extinguishing in case it is contacted with extreme heat or a flame (Column 4 Lines 13-29).

It would have been obvious for one of ordinary skill in the art to add a heat resistant material as Aldredge teaches to the cleaning device of Galvan Garza and McDonough so that the device won't catch fire or self-extinguish if in contact with a flame or extremely hot surface while cleaning.


Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Laura C Guidotti
Patent Examiner
Art Unit 1744

lcg